



1600  
40 Rec'd PCT/PTO 23 MAR 1998  
5500\*13

I hereby certify that this correspondence is being deposited with the United States Postal Service as First-Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this 16th day of March, 1998.  
By Ann F. Griffith

Ann F. Griffith

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

-----  
MICHAEL LEBRUN ET AL :  
SERIAL NO. 08/945,144 :  
FILED: OCTOBER 14, 1997 :  
FOR: MUTATED 5-ENOL PYRUVYLSHIKIMATE- :  
3-PHOSPHATE SYNTHASE, GENE CODING :  
FOR SAID PROTEIN AND TRANSFORMED :  
PLANTS CONTAINING SAID GENE :  
-----

Assistant Commissioner for Patents  
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Before action in this application, please amend the application as follows:

IN THE CLAIMS:

Please cancel claims 1-18.

Please add the following new claims:

19. DNA encoding a mutated 5-enol pyruvylshikimate-3-phosphate synthase (EPSPS), the mutated EPSPS having a threonine by isoleucine substitution at position 102 and a proline by serine substitution at position 106.

20. DNA according to claim 19, which is of plant origin.

21. DNA according to claim 20, which is of maize origin.

22. A mutated 5-enol pyruvylshikimate-3-phosphate synthase (EPSPS) protein, having a threonine by isoleucine substitution at position 102 and a proline by serine substitution at position